



**STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATER MANAGEMENT
INLAND WATER RESOURCES DIVISION
860-424-3019**

General Permit for Lake, Pond and Basin Dredging

Issuance Date: June 6, 2002

Printed on Recycled Paper

Fee Increase Effective August 21, 2003

Effective August 21, 2003, in accordance with Public Act 03-06, Special Session, the fee associated with this general permit has increased. Please note that the fee listed in the general permit itself does not reflect this increase. The correct fees are listed in the Registration form and *Permit Application Transmittal Form*.

The general permit remains in effect for a period of time and the fee will be corrected in the general permit when it is reissued.

The appropriate fee must be submitted with the registration form. A registration shall not be deemed complete and no activity shall be authorized by this general permit unless the registration fee has been paid in full.

General Permit for Lake, Pond and Basin Dredging

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General Permit for Lake, Pond and Basin Dredging

Section 1. Authority

This general permit is issued under the authority of Sections 22a-6, 22a-45a and 22a-378a of the General Statutes.

Section 2. Definitions

As used in this general permit, the following definitions shall apply:

“Approval of authorization” means an approval of request for authorization under Section 3 of this general permit.

“Authorized Activity” means any activity authorized by this general permit.

“Base flood” means base flood as defined in Section 25-68b of the General Statutes.

“Best management practice” means a practice, procedure, activity, structure or facility designed to prevent or minimize pollution or other environmental damage or to maintain or enhance existing environmental quality. Best management practices include, but are not limited to: erosion and sedimentation controls; restrictions on land use or development; construction setbacks from wetlands or watercourses; proper disposal of waste materials; procedures for equipment maintenance to prevent fuel spillage, construction methods to prevent flooding or disturbance of wetlands and watercourses; procedures for maintaining continuous stream flows; confining construction that must take place in watercourses to times when water flows are low and fish and wildlife will not be adversely affected.

“CFR” means Code of Federal Regulations.

“Commissioner” means the commissioner as defined by Section 22a-2(b) of the General Statutes.

“Department” means the department of environmental protection.

“Erosion and sedimentation control measure” means a specific design for vegetative, nonstructural or structural means for controlling erosion and sedimentation described in the *Connecticut Guidelines for Soil Erosion and Sediment Control* published by the Connecticut Council on Soil and Water Conservation pursuant to Section 22a-328 of the General Statutes.

“Existing natural resource map” means a topographic map prepared by the U.S. Geological Survey; a flood boundary map prepared by the Federal Emergency Management Agency; a soil survey map prepared by the Cooperative Soil Survey of the U.S. Natural Resources Conservation Service; a National Wetlands Inventory Map prepared by the U.S. Fish and Wildlife Service; a *State and Federal Listed Species and Natural Communities* map or a map of coastal resources prepared by the Department of

Environmental Protection; photogrammetric map; and similar depictions of the land and natural resources.

“FEMA” means the Federal Emergency Management Agency.

“Fill” means any material that is used to raise the level of the ground surface, whether such surface is above, at, or below the water table, and includes but is not limited to consolidated material such as concrete and unconsolidated material such as sand, gravel and stone.

“Floodplain” means floodplain as defined in Section 25-68b of the General Statutes.

“Floodway” means the regulatory floodway as defined in 44 CFR Chapter 1, Part 59.1 for a particular watercourse and delineated on a map titled Floodway & Flood Boundary Map or Flood Insurance Rate Map issued by FEMA for the municipality wherein such watercourse is located.

“Individual permit” means a permit issued by the commissioner to a named permittee pursuant to the applicable General Statutes.

“Material” means material as defined in Section 22a-38 of the Connecticut General Statutes.

“Permittee” means any entity to which the commissioner has issued an approval of a request for authorization pursuant to this General Permit.

“Pollution” means pollution as defined in Section 22a-423 of the General Statutes.

“Request for authorization” means a request for authorization submitted under Section 4 of this general permit.

“Site” means geographically contiguous land or water on which an authorized activity takes place or on which an activity for which authorization is sought under this general permit is proposed to take place. Non-contiguous land or water owned by the same person and connected by a right-of-way which such person controls and to which the public does not have access shall be deemed the same site.

“Stream channel encroachment line” means a line established by the commissioner pursuant to Section 22a-342 through 344 of the General Statutes.

“Structure” means any man-made object constructed or placed above, underground or on the ground or underwater.

“Watercourses” means watercourses as defined in Section 22a-38 of the General Statutes.

“Wetlands” means wetlands as defined in Section 22a-38 of the General Statutes.

Section 3. Authorization Under This General Permit

(a) *Eligible Activities*

Provided the requirements of subsection (b) of this section are satisfied, this general permit authorizes:

(1) Dredging of Lakes and Ponds

Dredging of a lake or pond that will restore or improve aquatic habitat or maintain the existing recreational use of such pond or lake provided: 1) such dredging shall not exceed 6,000 cubic yards of material; and 2) the area dredged shall not exceed one acre of such lake or pond. This permit is not intended to authorize dredging that will result in the conversion of an area of submerged or emergent vegetation or marsh, swamp, bog or similar such habitat to open water. Grading and placement of not greater than twenty-five (25) cubic yards of fill is allowed in a regulated area for temporary access to the site of such activity provided that: 1) all temporary fill is removed, 2) the top of roadway is no more than one foot above existing grade and 3) any disturbed areas are restored by the completion of the project or by the expiration date of the commissioner's written authorization of such regulated activity, whichever occurs first.

(2) Dredging of Basins

Dredging of an existing sediment, detention, or retention basin or sediment forebay to restore design capacity to such basin or forebay provided such dredging shall not exceed 6,000 cubic yards of material. Grading and placement of not greater than twenty-five (25) cubic yards of fill is allowed in a regulated area for temporary access to the site of such activity provided that: 1) all temporary fill is removed, 2) the top of roadway is no more than one foot above existing grade and 3) any disturbed areas are restored by the completion of the project or by the expiration date of the commissioner's written authorization of such regulated activity, whichever occurs first.

(b) *Requirements for Authorization*

This general permit authorizes any activity listed in subsection (a) of this section provided:

(1) Approval by Commissioner

A completed request for authorization with respect to such activity has been filed with the commissioner and the commissioner has issued a written approval of such request for authorization with respect to such activity.

(2) Coastal Area Management

Such activity is consistent with all applicable goals and policies in Section 22a-92 of the General Statutes and will not cause adverse impacts to coastal resources as defined in Section 22a-93 of the General Statutes.

(3) Endangered, Threatened, or Species of Special Concern

Such activity does not threaten the continued existence of any species listed pursuant to Section 26-306 of the General Statutes as endangered, threatened or species of special concern and will not result in the destruction or adverse modification of habitat designated as essential to such species.

(4) Water Resources

Such activity causes and will cause only minimal adverse impacts individually, and only minimal adverse impacts cumulatively, on the environment.

(5) Avoidance of Adverse Impacts

Such activity, as described in the request for authorization, is the least environmentally damaging means of accomplishing the main objective of such activity.

(6) Water Quality Standards

Such activity does not and will not adversely affects existing or designated uses of the waters of the state as such uses are described in Connecticut's *Water Quality Standards* adopted pursuant to Section 22a-426 of the General Statutes.

(7) Coastal Permits

If such activity is located, wholly or in part, waterward of the high tide line in tidal, coastal, or navigable waters of the State or in tidal wetlands, the activity has been authorized pursuant to Sections 22a-359 through 22a-363f, inclusive, or 22a-28 through 22a-35, inclusive, of the General Statutes.

(8) Flood Hazards

Such activity does not and will not cause or contribute to flooding or flood hazards, permanently obstruct a floodway, or interfere with federal, state or local flood management efforts, and does and will comply with 44 CFR Chapter 1, Parts 59 through 79, inclusive.

(9) Flood Management Certification by State Agency

If such activity is maintained or proposed by a Connecticut state agency, such agency has complied with Sections 25-68b through 25-68h, inclusive, of the General Statutes, and Sections 25-68h-1 through 25-68h-3 of the Regulations of Connecticut State Agencies, inclusive.

(10) Other uses

Such activity does not and will not adversely affect an existing or potential use of water for public water supply, hydropower, water-based recreation, industry, agriculture, waste assimilation or long-range water resource management.

(c) Geographic Area

This general permit shall apply throughout the State of Connecticut.

(d) *Effective Date and Expiration Date of This General Permit*

This general permit is effective on the date it is issued by the commissioner and expires ten (10) years from such date of issuance.

(e) *Effective Date of Authorization*

An activity is authorized by this general permit on the date the commissioner issues a written approval of such request for authorization for such activity.

(f) *Revocation of an Individual Permit*

If an activity meets the requirements of authorization of this general permit and such activity is presently authorized by an individual permit, the existing individual permit may be revoked by the commissioner upon a written request by the permittee. If the commissioner revokes such individual permit in writing, such revocation shall take effect on the effective date of authorization of such activity by this general permit.

(g) *Issuance of an Individual Permit*

If after the commissioner approves a request for authorization under this general permit he issues an individual permit authorizing the same activity authorized by such approval, such approval shall become null and void on the date such individual permit is issued.

(h) *Activities Not Authorized by This General Permit*

A regulated activity may not be conducted unless it is duly authorized under an individual permit or this general permit or such regulated activity is exempted pursuant to the General Statutes and the Regulations of Connecticut State Agencies.

Section 4. Request for Authorization

(a) *Who Must File a Request for Authorization*

Any person or municipality seeking under the authority of this general permit to undertake a regulated activity shall file with the commissioner: (1) a request for authorization form which meets the requirements of Section 4 of this general permit; and (2) the applicable fee.

(b) *Scope of Request for Authorization*

A requester shall file a request for authorization on one form for each site. Activities at more than a single site shall be filed on separate request for authorization forms.

(c) *Contents of Request for Authorization*

(1) Fees

- (A)** A request for authorization fee of \$500 shall be submitted with each request for authorization except that the request for authorization fee for a municipality for such activities shall be \$250. A request for authorization shall not be deemed complete and no activity shall be authorized by this general permit unless the request for authorization fee has been paid in full.

(B) The fee shall be paid by check or money order payable to the *Department of Environmental Protection*.

(C) The request for authorization fee is non-refundable.

(2) Information Requirements and Request for Authorization Form

A request for authorization shall be filed on forms prescribed and provided by the commissioner and shall include the following:

(A) Legal name, address, and telephone number of the requester. If the requester is a corporation or a limited partnership transacting business in Connecticut, provide the exact name as registered with the Connecticut Secretary of the State.

(B) Legal name, address, and telephone number of the owner of the property on which the subject activity is to take place.

(C) Legal name, address, and telephone number of the requester's attorney or other representative, if applicable.

(D) Legal name, address, and telephone number of any consultant(s) or engineer(s) retained by the requester to prepare the request for authorization or to design or construct the subject activity.

(E) Location address of the site with respect to which the request for authorization is submitted.

(F) Location Map - A depiction, on an 8.5" x 11" copy of the relevant portion of the most recent version of the United States Geologic Survey topographic map (Scale 1:24,000), of the exact location of the property at which such activity will be conducted.

(G) A description of the present and intended use(s) of the property at which such activity will be conducted and the reason for conducting such activity.

(H) A description of all natural and manmade features, including wetlands, watercourses, fish and wildlife habitat, floodplains, and structures and appurtenances thereto, potentially affected by the subject activity.

(I) A detailed narrative description of such activity, including the quantity and physical characteristics of any material proposed to be excavated from or placed in a floodplain, wetland or watercourse.

(J) A detailed description of the pollution prevention and best management practices that will be implemented during and after the conduct of such activity to minimize construction in and disturbance of floodplains, wetlands, and watercourses, and prevent pollution.

(K) A plan of the site ("site plan") showing its boundaries, the location of the subject activity and section views, as appropriate, of the property at which such activity will be conducted, depicting the location and design of such activity, existing and proposed topography, the legal boundaries of such property, the location of wetland soil types, the location of tidal wetlands, watercourses, vernal pools, and coastal resources on and immediately adjacent to such property, the sequence of construction or other actions associated with the proposed activities, including placement and removal of any temporary fill or structures, the location of all erosion and sedimentation control measures, the location on such property where any excess materials resulting from construction at such property may be placed, a north arrow and distance scale, and a title block indicating the name of the requester, the name of the individual who prepared the plan, and the date(s) such plan was prepared or revised. If such property is located in a floodplain, the plan shall also depict the location of any floodway, the elevation of the base flood, and, where applicable, the location of the stream channel encroachment line(s). The plan may incorporate existing natural resource maps and shall be of sufficient scale and detail to adequately depict the existing and proposed conditions of such property.

(L) The signature of the requester and of the individual or individuals responsible for actually preparing the request for authorization, each of whom shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I certify that this request for authorization is on complete and accurate forms as prescribed by the commissioner without alteration of their text. I certify that a complete copy of this request for authorization, including all documents attached thereto, was sent by regular or certified mail or was hand delivered to the municipal wetlands agency, zoning commission, planning commission or combined planning and zoning commission, and conservation commission of each municipality which is or may be affected by the subject activity. I understand that a false statement made in the submitted information may be punishable as a criminal offense, in accordance with Section 22a-6 of the General Statutes, pursuant to Section 53a-157b of the General Statutes, and in accordance with any other applicable statute."

(d) Where to File a Request for Authorization

The original and two copies of a request for authorization shall be filed with the commissioner at the following address:

CENTRAL PERMIT PROCESSING UNIT
DEPARTMENT OF ENVIRONMENTAL PROTECTION
79 ELM STREET
HARTFORD, CT 06106-5127

(e) *Copy to Municipality*

A copy of such request for authorization shall be filed at least sixty (60) days before the date that the activity is proposed to be initiated with the inland wetlands agency, zoning commission, planning commission or combined planning and zoning commission, and conservation commission of each municipality which is or may be affected by the subject activity.

(f) *Additional Information*

The commissioner may require a requester to submit additional information, which the commissioner reasonably deems necessary to evaluate the consistency of the subject activity with the requirements for authorization under this general permit.

(g) *Action by Commissioner*

- (1) The commissioner may reject without prejudice a request for authorization if he determines that it does not satisfy the requirements of subsection 4(c) of this general permit or more than thirty days have elapsed since the commissioner requested that the requester submit additional information or the required fee and the requester has not submitted such information or fee. Any request for authorization refiled after rejection shall be accompanied by the fee specified in subsection 4(c)(1) of this general permit.
- (2) The commissioner may disapprove a request for authorization if he finds that the proposed activity is reasonably likely to be inconsistent with the requirements for authorization under Section 3 of this general permit, or for any other reason provided by law.
- (3) Disapproval of a request for authorization under this subsection shall constitute notice to the requester that the subject activity may not lawfully be conducted or maintained without the issuance of an individual permit.
- (4) The commissioner may approve a request for authorization with reasonable conditions. If the commissioner approves a request for authorization with conditions, the permittee shall be bound by such conditions as if they were a part of this general permit.
- (5) Rejection, disapproval, or approval of a request for authorization shall be in writing.

Section 5. Conditions of This General Permit

(a) *Operating Conditions*

A permittee shall assure that each action with respect to which he has sought and obtained authorization under this general permit is, as applicable, constructed and maintained in accordance with the authorization and the following conditions:

- (1) Time of Year Restriction on In-water Construction
 - (A) Between September 30th and May 31st the permittee shall not place fill, excavate material, or conduct any other construction activity in any

watercourse unless such activity is confined by a cofferdam or other device which isolates such activity from the watercourse.

- (B) The permittee shall not place fill, excavate material, or conduct any other activity in any watercourse stocked with fish by the commissioner or any other person, or in any tributary to such watercourse, from 12:01 a.m. on the Monday preceding the third Saturday in April through 12:00 midnight on the Sunday preceding the fourth Saturday in April.
- (C) The permittee shall not place fill, excavate material or conduct any other construction activity in or adjacent to any watercourse, which activity may adversely affect anadromous fish, during the time period when anadromous fish are known or reasonably believed to be migrating in the watercourse.

(2) Pollution Prevention/Best Management Practices

The permittee shall not cause or allow the authorized activity, including any construction associated therewith, to result in pollution or other environmental damage and shall employ best management practices to prevent such damage. The permittee shall, in addition to employing any other best management practices necessary to prevent such damage, do the following:

(A) Controlling Erosion

The permittee shall install and maintain in optimal condition erosion and sedimentation controls to prevent erosion and discharge of material into any waters of the state, including wetlands, as a result of the authorized activity or any construction associated therewith. Such controls shall be installed and maintained in conformity with the *Connecticut Guidelines for Soil Erosion and Sediment Control*, as revised, published by the Connecticut Council on Soil and Water Conservation pursuant to Section 22a-328 of the General Statutes.

(B) Proper Disposal of Material

All material and solid waste generated during any construction associated with such activity shall be disposed of in accordance with applicable federal, state and local law.

(b) Reporting and Record Keeping Requirements

(1) Notice to Commissioner upon Initiation and Completion of Authorized Activity

No later than two weeks before initiating and two weeks after completing the authorized activity, the permittee shall give written notice of same to the commissioner.

(2) Contractor Notification

If the authorized activity will be constructed by a person(s) under contract to the permittee, the permittee shall (A) give a copy of this general permit and of permittee's approval of authorization hereunder to such contractor(s) prior to the start of construction, and (B) for one year after completion of the authorized

activity, retain a written receipt for such copy, signed and dated by such contractor(s).

(c) *Recording and Reporting Violations*

Within forty-eight (48) hours after the permittee learns of a violation of this general permit, the permittee shall report same in writing to the commissioner. Such report shall include the following information:

- (1) the provision(s) of this general permit that has been violation;
- (2) the date and time the violation(s) was first discovered and by whom;
- (3) the cause of the violation(s), if known;
- (4) if the violation(s) has ceased, the duration of the violation(s) and the exact date(s) and time(s) it was corrected;
- (5) if the violation(s) has not ceased, the anticipated date when it will be corrected;
- (6) steps taken and steps planned to prevent reoccurrence of the violation(s) and the date(s) such steps were implemented or will be implemented; and
- (7) the signatures of the permittee and of the individual(s) responsible for actually preparing such report, each of whom shall certify as follows:

“I have personally examined and am familiar with the information submitted in this document, and I certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that a false statement made in this document or its attachments may be punishable as a criminal offense, in accordance with Section 22a-6 of the General Statutes, pursuant to Section 53a-157b of the General Statutes, and in accordance with any other applicable statute.”

(d) *Modification of Authorized Activity*

In conducting and maintaining the activity authorized by this general permit, the permittee shall not make any alteration, except a de minimis alternation, to such activity and shall not make any de minimis alternation without first obtaining the written approval from the commissioner of such alteration. For the purposes of this general permit, a de minimis alteration means a change in the design or operation of the authorized activity that does not increase its adverse environmental or other impacts or significantly change its location.

(e) *Initiation and Completion of Authorized Activity*

The permittee may not initiate the authorized activity any sooner than sixty (60) days after filing a request for authorization. If the permittee does not complete the authorized activity within three (3) years after the date of the applicable approval of authorization, said approval shall be null and void.

(f) *Reliance on Request for Authorization*

In evaluating the permittee's request for authorization, the commissioner has relied on information provided by the permittee. If such information proves to be false or incomplete, the permittee's authorization under this general permit may be suspended or revoked in accordance with law, and the commissioner may take any other legal action provided by law.

(g) *Duty to Correct and Report Violations*

Upon learning of a violation of a condition of this general permit, a permittee shall immediately take all reasonable action to determine the cause of such violation, correct such violation and mitigate its results, prevent further such violation, and report in writing such violation and such corrective action to the commissioner within forty eight (48) of the permittee's learning of such violation. Such report shall be certified in accordance with subsection 5(i) of this general permit.

(h) *Duty to Provide Information*

If the commissioner requests any information pertinent to the authorized activity or to compliance with this general permit or with the permittee's approval of request for authorization, the permittee shall provide such information in writing within thirty (30) days of such request. Such information shall be certified in accordance with subsection 5(i) of this general permit.

(i) *Certification of Documents*

Any document, including but not limited to any notice, which is submitted to the commissioner under this general permit shall be signed by, as applicable, the registrant or the permittee in accordance with Section 22a-430-3(b)(2) of the Regulations of Connecticut State Agencies, and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that a false statement made in the submitted information may be punishable as a criminal offense, in accordance with Section 22a-6 of the General Statutes, pursuant to Section 53a-157b of the General Statutes, and in accordance with any other applicable statute."

(j) *Date of Filing*

For purposes of this general permit, the date of filing with the commissioner of any document is the date such document is received by the commissioner. The word "day" as used in this general permit means the calendar day; if any date specified in the general permit falls on a Saturday, Sunday, or legal holiday, such deadline shall be the next business day.

(k) *False Statements*

Any false statement in any information submitted pursuant to this general permit or the request for authorization may be punishable as a criminal offense, in accordance with Section 22a-6, under Section 53a-157b of the General Statutes.

(l) *Correction of Inaccuracies*

Within fifteen days after the date a permittee becomes aware of a change in any information in any material submitted pursuant to this general permit, or becomes aware that any such information is inaccurate or misleading or that any relevant information has been omitted, such permittee shall correct the inaccurate or misleading information or supply the omitted information in writing to the commissioner. Such information shall be certified in accordance with subsection 5(i) of this general permit. The provisions of this subsection shall apply both while a request for approval of request for authorization is pending and after the commissioner has approved such request.

(m) *Transfer of Authorization*

An approval of Request for Authorization under this general permit is transferable only in accordance with the provisions of Section 22a-6o of the General Statutes.

(n) *Other Applicable Law*

Nothing in this general permit shall relieve the permittee of the obligation to comply with any other applicable federal, state and local law, including but not limited to the obligation to obtain any other authorizations required by such law.

(o) *Other Rights*

This general permit is subject to and does not derogate any present or future rights or powers of the State of Connecticut and conveys no rights in real or personal property nor any exclusive privileges, and is subject to all public and private rights and to any federal, state, and local laws pertinent to the property or activity affected by such general permit. In conducting any activity authorized hereunder, the permittee may not cause pollution, impairment, or destruction of the air, water, or other natural resources of this state. The issuance of this general permit shall not create any presumption that this general permit should or will be renewed.

Section 6. Commissioner's Powers

(a) *Abatement of Violations*

The commissioner may take any action provided by law to abate a violation of this general permit, including the commencement of proceedings to collect penalties for such violation. The commissioner may, by summary proceedings or otherwise and for any reason provided by law, including violation of this general permit, revoke a permittee's authorization hereunder in accordance with Sections 22a-3a-2 through 22a-3a-6 of the Regulations of Connecticut State Agencies, inclusive. Nothing herein shall be construed to affect any remedy available to the commissioner by law.

(b) *General Permit Revocation, Suspension, or Modification*

The commissioner may, for any reason provided by law, by summary proceedings or otherwise, revoke or suspend this general permit or modify it to establish any appropriate conditions, schedules of compliance, or other provisions which may be necessary to protect human health and the environment.

(c) *Filing of an Individual Application*

When the commissioner notifies a permittee, in writing, that such permittee must obtain an s individual permit if he wishes to continue lawfully conducting the authorized activity, the permittee may continue conducting such activity only if he files an application for an individual permit within thirty (30) days of receiving the commissioner's notice. While such application is pending before the commissioner, the permittee shall comply with the terms and conditions of this general permit and the subject approval of the request for authorization. Nothing herein shall affect the commissioner's power to revoke a permittee's authorization under this general permit at any time.

Issued Date: June 6, 2002

ARTHUR J. ROCQUE, JR.

Commissioner

This is a true and accurate copy of the general permit executed on June 6, 2002 by the Commissioner of the Department of Environmental Protection.